IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4684 OF 2005
(For bail)
IN
CRIMINAL APPEAL NO.1298 OF 2004

Chalan alias Zelya Gojya Bhosale ...Applicant.

V/s

State of Maharashtra
Through PS Jejuri ...Respondent

Mr. Niranjan Mundargi i/b Ms. A. More for the applicant.

Mr. R.Y. Mirza, APP for the State.

CORAM: V.M.KANADE,J.
DATE: 23RD NOVEMBER, 2005
(In Chamber at 3.00 P.M.)

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is a second application for bail filed by the applicant. His application for bail was rejected on 23/11/2004. Liberty, however, was granted to apply for bail again if the appeal was not disposed of within six months from the date of the said order.

3. It is contended that the accused was convicted of an offence punishable under section 376 of I.P.C. and was sentenced to suffer rigorous imprisonment for three years. The applicant is in jail for last two

and half years. The appeal is still pending. It is submitted that the applicant practically has undergone the entire sentence.

4. It is an admitted position that the applicant is sentenced to suffer rigorous imprisonment for three years and the applicant is in jail since last two and half years. If the period of remission is taken into consideration, the applicant has already undergone the period of sentence which is imposed by the trial court. No appeal has been filed for enhancement of the sentence by the State. Under the facts and circumstances of the case, the applicant is entitled to be released on bail as the appeal is not likely to come up for hearing for some time.

5. Application is allowed. Applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. Applicant shall report to the nearest Police Station from his residence once in a month.

6. Application is accordingly disposed of.

V.M. KANADE, J.